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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Anderson, Annaliesa S. <i>et al.</i>		
Serial No.:	10/564,375	Case No.:	21349YP
Filed:	January 12, 2006		Art Unit: 1645
For:	POLYPEPTIDES FOR INDUCING A PROTECTIVE IMMUNE RESPONSE AGAINST STAPHYLOCOCCUS AUREUS		Examiner:

BOX SEQUENCE

Commission for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmittal Letter

Sir:

Enclosed please find the following:

1. Response to Notice to Comply
2. Copy of USPTO Notice to Comply mailed April 1, 2008
3. Sequence Listing – 93 pages
4. Sequence Diskette

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By Sheldon O. Heber **MERCK & CO., INC.** Date 5-1-08

Respectfully submitted,

By Sheldon O. Heber  
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## Notice to Comply

Application No.  
10/564,375

Applicant(s)  
Anderson et al.

Examiner  
Medina Ibrahim

Art Unit  
1645

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The sequences in page 8 and claim 4 lack sequence identifier/SEQ ID Numbers.

#### Applicant Must Provide:

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.

☒ A statement that the content of the paper and computer readable copies are the same, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(c).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951

For CRF Submission Help, call (571) 272-2510

Patent Software Program Support

Technical Assistance, 1-866-217-9197 or 703-305-3028 or 571-272-6849

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MERCK & CO., INC.

Date 5-1-08

By